

NOTICE

This scan only represents the application as filed. The information contained herein meets the requirements of K.A.R. 5-3-1 or K.A.R. 5-5-1, and has been found acceptable for filing in the office of the Chief Engineer. The application should not be considered to be a complete application as per K.A.R. 5-3-1b or K.A.R. 5-5-2a.

Submit To: CHIEF ENGINEER
 Division of Water Resources
 Kansas Department of Agriculture
 1320 Research Park Drive
 Manhattan, Kansas 66502
 http://agriculture.ks.gov/dwr

**APPLICATION FOR APPROVAL TO
 CHANGE THE PLACE OF USE, THE
 POINT OF DIVERSION OR THE USE
 MADE OF THE WATER UNDER AN
 EXISTING WATER RIGHT**



State of Kansas

*Filing Fee Must Accompany the Application
 (Please refer to Fee Schedule on signature page of application form.)*

Paragraph Nos. 1, 2, 3, 4 & 8 must be completed. Complete all other applicable portions. A topographic map or detailed plat showing the authorized and proposed points(s) of diversion and /or place of use must accompany this application.

1. Application is hereby made for approval of the Chief Engineer to change the

- Place of Use
- Point of Diversion
- Use Made of Water

(Check one or more)

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 KS DEPT OF AGRICULTURE

File No. BA-04

2. Name of applicant: City of Kiowa

Address: PO Box 228

City, State and Zip: Kiowa KS 67070-0228

Phone Number: (620)825-4127 E-mail address: _____

What is your relationship to the water right; owner tenant agent other? If other, please explain. _____

Name of water use correspondent: City of Kiowa

Address: PO Box 228

City, State and Zip: Kiowa KS 67070-0228

Phone Number: (620) 825-4127 E-mail address: _____

3. The change(s) proposed herein are desired for the following reasons (please be specific): There is an emergency connection between the City of Kiowa's pipeline and Barber County Rural Water District No. 2. The rural water district is not currently on the place of use for the City's water rights. This change will also create a complete place of use overlap with File No. 35809 & 35810

The change(s) was completed by _____

(Date)

For Office Use Only:					
F.O. <u>2</u>	GMD <u>0</u>	Meets K.A.R. 5-5-1 (YES/NO) <u>YES</u>	Use <u>MUN</u>	Source <u>G/S</u> County <u>BAR</u>	By <u>AW</u> Date <u>11/13/17</u>
Code <u>CPU</u>	Fee \$ <u>200</u>	TR # _____	Receipt Date <u>11/13/17</u>	Check # <u>30558</u>	

11/15/17 DW

4. The presently authorized place of use is:

Owner of Land — NAME: City of Kiowa

ADDRESS: PO Box 228, Kiowa KS 67070-022

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
2	35	11W	within the City of Kiowa and immediate vicinity																

List any other water rights that cover this place of use. 35809 & 35810 (incomplete overlap)

Owner of Land — NAME: _____

ADDRESS: _____

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

List any other water rights that cover this place of use. _____

(If there are more than two landowners, attach additional sheets as necessary.)

5. It is proposed that the place of use be changed to:

Owner of Land — NAME: City of Kiowa

ADDRESS: PO Box 228, Kiowa KS 67070-022

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
			within the immediate vicinity of the transmission pipeline located in Sections 27, 28, 33 & 34 of 32S-10W and Sections 3, 4, 9, 10, 15, 16, 21, 22, 27, 28, 33 & 34 of 33S-10W and Sections 3, 4, 9, 10, 17, 20, 21, 29, 30 & 31 of 34S-10W and Section 36 of 34S-11W and Section 1 of 35S-11W, Barber County																
2	35	11W	within the City of Kiowa and immediate vicinity																

List any other water rights that cover this place of use. 35809 & 35810

Owner of Land — NAME: *City of Hazelton // **Barber RWD 02 (no ownership of WR)

ADDRESS: 408 E Main, Hazelton KS 67061 // PO Box 294, Kiowa KS 67070

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
*16	34	10W	within the City of Hazelton and immediate vicinity																
**35	33	9W	within the boundaries of Barber Co. Rural Water District No. 2																

List any other water rights that cover this place of use. *17507 (Hazelton's water right) // **24844 & 32612 (BA Co. RWD 02)

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

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- 6. The presently authorized point(s) of diversion is two wells and diversion works
(Provide description and number of points)
- 7. The proposed point(s) of diversion (is) (are) ---
(Provide description and number of points)

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion:**
 One in the SW Quarter of the NW Quarter of the SW Quarter of Section 36, Township 34 South, Range 11 W, in Barber County, Kansas, --- feet North --- feet West of Southeast corner of section.
 Authorized Rate 1.28 cfs (blanket rate) Authorized Quantity 40 million gallons (blanket quantity)
(DWR use only: Computer ID No. 1 GPS 1,427 feet North 22 feet West of 35-34-11W)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested):
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ (E/W), in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Proposed Rate _____ Proposed Quantity _____
 This point is: Additional Well Geo Center List other water rights that will use this point none

9. **Presently authorized point of diversion:**
 One in the SW Quarter of the NW Quarter of the SW Quarter of Section 11, Township 35 South, Range 11 W, in Barber County, Kansas, --- feet North --- feet West of Southeast corner of section.
 Authorized Rate see No. 8 Authorized Quantity see No. 8
(DWR use only: Computer ID No. 1 GPS 1,393 feet North 4,916 feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested)
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ (E/W), in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Proposed Rate _____ Proposed Quantity _____
 This point is: Additional Well Geo Center List other water rights that will use this point none

10. **Presently authorized point of diversion:**
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ (E/W), in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Authorized Rate _____ Authorized Quantity _____
(DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested)
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ (E/W), in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Proposed Rate _____ Proposed Quantity _____
 This point is: Additional Well Geo Center List other water rights that will use this point _____

- 11. Describe the current condition of and future plans for any point(s) of diversion which will no longer be used. N/A

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12. The presently authorized use of water is for municipal purposes.

It is proposed that the use be changed to --- purposes.

13. If changing the place of use and/or use made of water, describe how the consumptive use will not be increased.

The place of use change is to add BA Co. RWD 02. The connection is an emergency connection only and has been in existence for years. Overlapping water rights, File No. 35809 and 35810 are both still in their perfection periods.

It is also requested that the standby designation implemented on an 8/13/01 correctional order be removed.
(Please show any calculations here.)

14. It is requested that the maximum annual quantity of water be reduced to --- (acre-feet or million gallons).

15. It is requested that the maximum rate of diversion of water be reduced to --- gallons per minute (--- c.f.s.).

16. The application must include either a topographic map or detailed plat. A U.S. Geological Survey Topographic Map, scale 1:24,000, is available through the Kansas Geological Survey, 1930 Constant Avenue, University of Kansas, Lawrence, Kansas 66047-3726 (www.usgs.gov). The map should show the location of the presently authorized point(s) of diversion. Distances North and West of the Southeast corner of the section must be shown. The presently authorized place of use should also be shown. Identify the center of the section, the section lines and the section corners and show the appropriate section, township, and range numbers on the map. In addition the following information must also be shown on the map.

a. If a change in the location of the point(s) of diversion is proposed, show:

- 1) The location of the proposed point(s) of diversion. Distances North and West of the Southeast corner of the section must be shown. Please be certain that the information shown on the map agrees with the information shown in Paragraph Nos. 9, 10 and 11 of the application.
- 2) If the source of supply is groundwater, please show the location of existing water wells of any kind, including domestic wells, within 1/2 mile of the proposed well or wells. Identify each well as to its use and furnish name and mailing address of the property owner or owners. If there are no wells within 1/2 mile, please indicate so on the map.
- 3) If the source of supply is surface water, the names and mailing addresses of all landowner(s) 1/2 mile downstream and 1/2 mile upstream from your property lines must be shown.

b. If a change in the place of use is desired, show the proposed place of use by crosshatching on the map. Please be certain that the information shown on the map agrees with the information shown in Paragraph No. 5 of the application.

17. Attach documentation to show the change(s) proposed herein will not impair existing water rights and relates to the same local source of supply as to which the water right relates. This information may include statements, plats, geology reports, well logs, test hole logs, and other information as necessary information to show the above. Additional comments may be made below.

Impairment is not expected.

18. If the proposed change(s) does not meet all applicable rules and regulations of the Kansas Water Appropriation Act, please identify the rules and regulations for which you request a waiver. State the reason why a waiver is needed and why the request should be granted. Attach documentation showing that granting the request will not impair existing water rights and will not prejudicially and unreasonably affect the public interest.

No waivers are anticipated.

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Any use of water that is not as authorized by the water right or permit to authorize water before the chief engineer approves this application is a violation of the Kansas Water Appropriation Act for which criminal or civil penalties may be assessed. Such violation is a class C misdemeanor; punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. K.S.A. 82a-728(b). Civil penalties shall be not less than \$100 nor more than \$1,000 per violation. In the case of a continuing violation, each day such violation continues may be deemed a separate violation. In addition to these penalties the water right may be modified or suspended. K.S.A. 82a-737, as amended.

The application must be signed by all owners of the place of use authorized under the water right and his or her spouse, if married. Please indicate if there is no spouse. If land is being purchased under contract, the seller must sign as landowner until such time as the contract is completed.

In the event that all applicants cannot appear before one notary public, they may as necessary sign separate copies of the application before any notary public conveniently available to them. All copies signed in this manner shall be considered to be valid parts of the application.

If the request is signed on behalf of any Owner by someone with legal authority to do so (for example, an agent, one who has power of attorney, or an executor, executrix, conservator), it will be necessary to attach proper documents showing such authority.

I declare that I am an owner of the currently authorized place of use as identified herein, or that I represent all such owners and am authorized to make this application on their behalf, and declare further that the statements contained herein are true, correct, and complete. By filing this application I authorize the chief engineer to permanently reduce the quantity of water and/or rate of diversion as specified in sections 14 and 15 of this application.

Dated at Kiowa, Kansas, this 7th day of November, 2017.

<u>Lou Leone</u> (Owner)	_____	(Spouse)
<u>Lou Leone, City Administrator</u> (Please Print)	_____	(Please Print)
_____	_____	(Spouse)
_____	_____	(Please Print)
_____	_____	(Spouse)
_____	_____	(Please Print)

State of Kansas }
County of Barber } SS



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 7th day of November, 2017.

Patricia Brewer
Notary Public

My Commission Expires July 20-2021

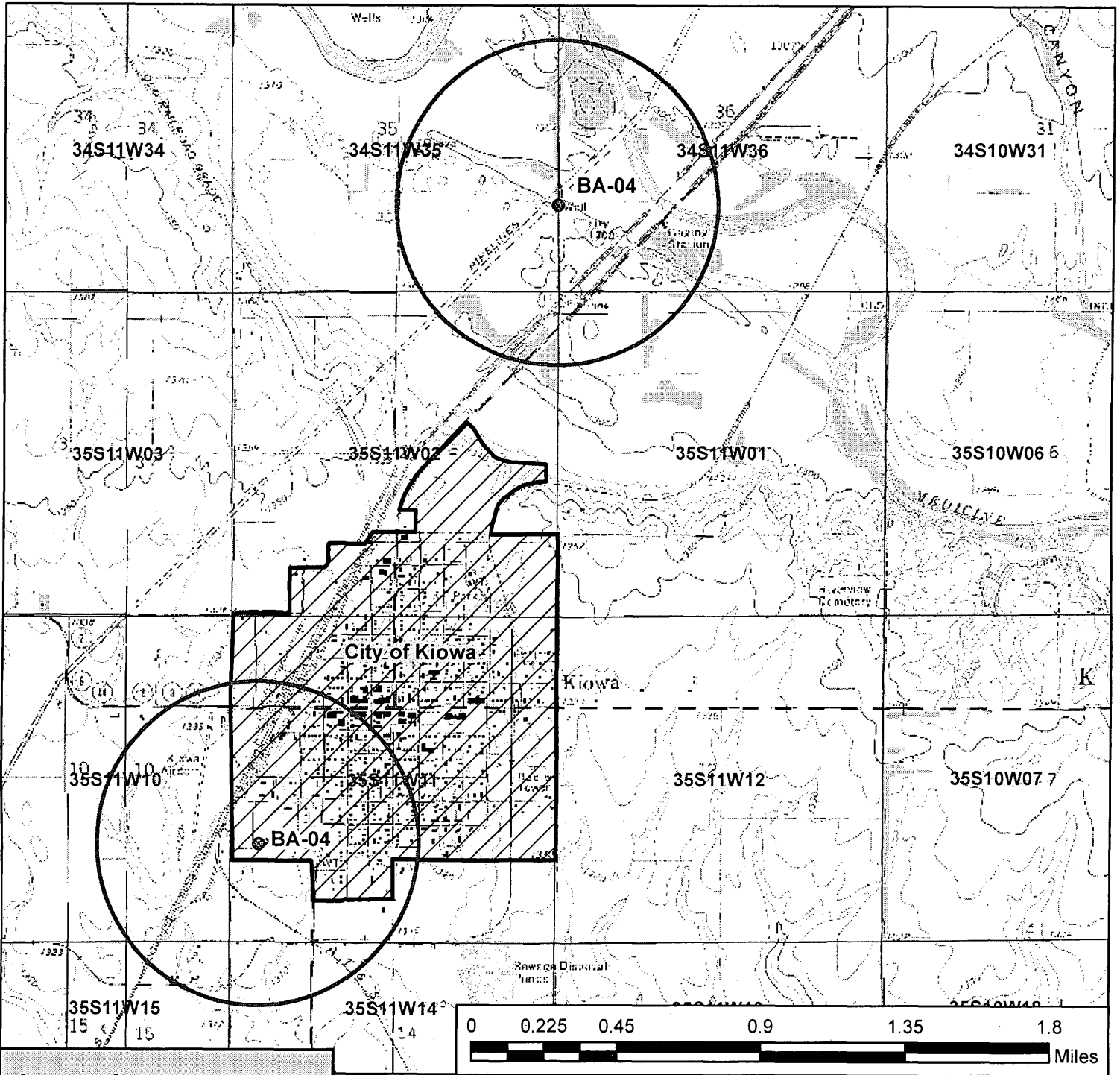
FEE SCHEDULE

Each application to change the place of use, the point of diversion or the use made of the water under this section shall be accompanied by the application fee set forth in the schedule below:

- (1) Application to change a point of diversion 300 feet or less \$100
- (2) Application to change a point of diversion more than 300 feet \$200
- (3) Application to change the place of use \$200
- (4) Application to change the use made of the water \$300

Make check payable to Kansas Department of Agriculture.

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Legend

- Water Appropriations
- Actual Point of Diversion
- ☆ Domestic Well
- Half Mile Circle
- ▭ Section Line
- ▨ Authorized Place of Use

Vested Right, File No. BA-04

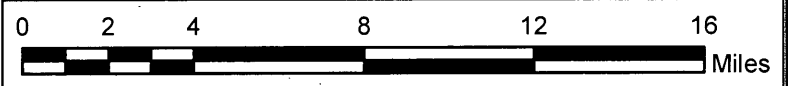
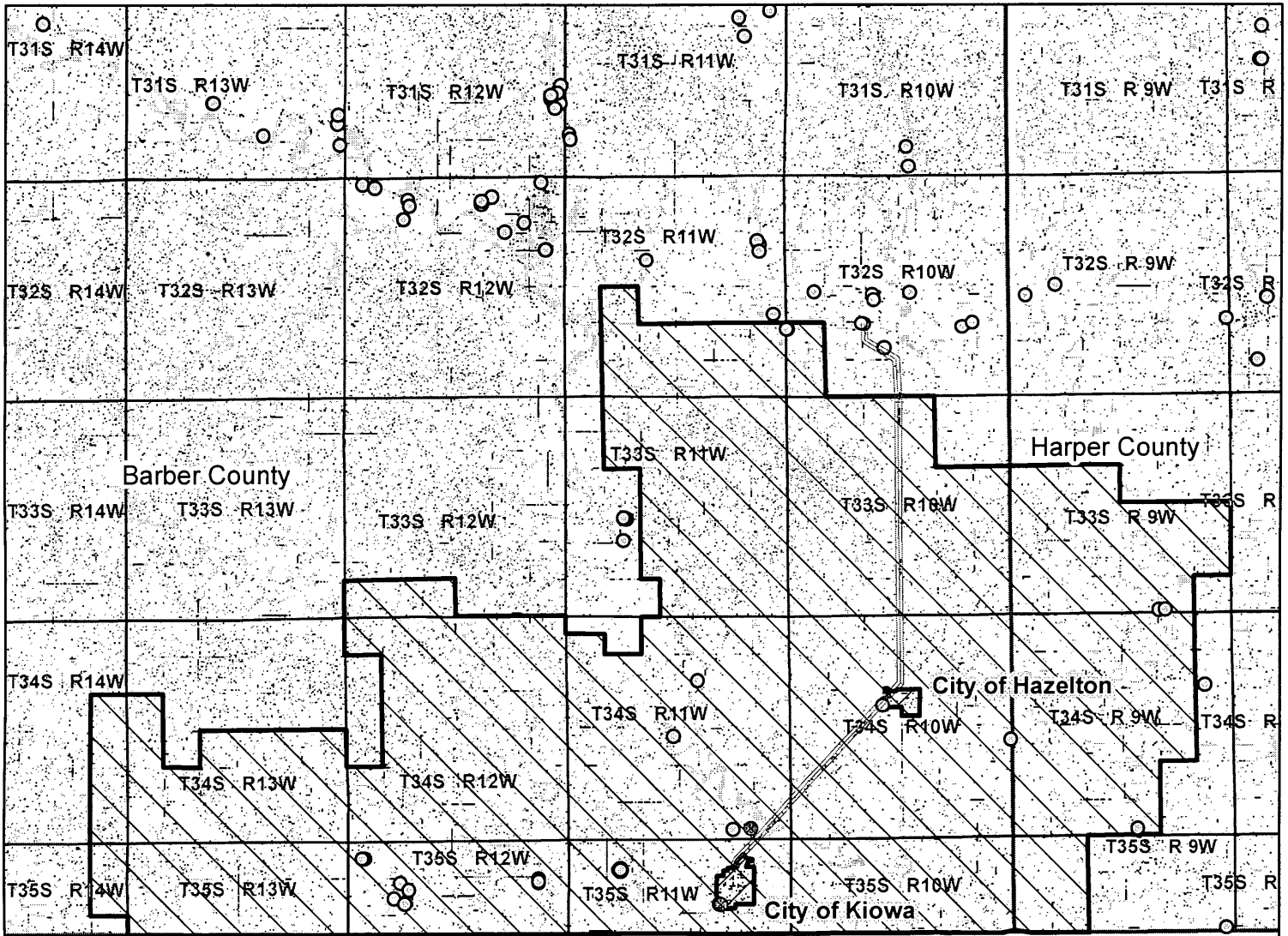
Change in Place of Use Application Map 1 of 2
 City of Kiowa // Barber County

Due to the potential density of domestic wells within 1/2 mile of the authorized wells, assistance with a public notice is requested if nearby notifications are required.



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Signature _____



Legend

- Water Appropriations
- Authorized P/Ds
- Transmission Line
- ▨ City Boundary
- ▧ Barber RWD #02
- ▭ Township Line
- ▭ County Line

Vested Right, File No. BA-04

Change in Place of Use Application Map 2 of 2 City of Kiowa // Barber & Harper County

This map shows the Proposed Place of Use, which includes the City of Kiowa and immediate vicinity, the City of Hazelton and immediate vicinity, the Transmission Pipeline and immediate vicinity and Barber County Rural Water District No. 2 and immediate vicinity.

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KAPPA COUNTY

1320 Research Park Drive
Manhattan, Kansas 66502
(785) 564-6700



900 SW Jackson, Room 456
Topeka, Kansas 66612
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

CITY OF KIOWA 11/15/17
PO BOX 228
KIOWA, KS 67070

RE: File No 0

FILE COPY

Dear Sir or Madam:

An application for approval of the Chief Engineer to change the following condition or conditions of the file number referred to above has been received:

- place of use PU
- point of diversion
- use made of water

As a matter of record, the Division of Water Resources has on hand a large number of applications awaiting processing. Therefore, to be fair to all concerned, and so that we can process those applications on hand in the order they were received, we intend to concentrate on the backlog of applications until the issue is resolved. You will be contacted regarding this application as soon as it has been examined.

In accordance with the provisions of the Kansas Water Appropriation Act, a portion of which is included below, the use of water prior to approval of the application is unlawful. You should not proceed and divert water as indicated by your plans in your application for a change for this file until you receive approval for this change from the Chief Engineer. Once approved, compliance with the terms, conditions and limitations of the permit is necessary. Conservation of the water resources of Kansas is required.

Section 82a-728 of the Kansas Water Appropriation Act, provides (a) except for the appropriation of water for the purpose of domestic use, . . . it shall be unlawful for any person to appropriate or threaten to appropriate water from any source without first applying for and obtaining a permit to appropriate water in accordance with the provisions of the Water Appropriation Act or for any person to violate any condition of a vested right, appropriation right or an approved application for a permit to appropriate water for beneficial use.

(b) (1) The violation of any provision of this section by any person is a class C misdemeanor...

A class C misdemeanor is punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. Each day that the violation occurs constitutes a separate offense.

If you have any questions, please contact me at (785) 564-6645. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

Brent Tournay, L.G.
Change Applications Unit Supervisor
Water Appropriation Program

BAT: DLW
pc: STAFFORD Field Office GMD